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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARIA DIAZ, an individual,

Plaintiffs,

VS.

COSTCO WHOLESALE CORP., a foreign corporation; DOE EMPLOYEE; DOES I through XXX, inclusive and ROE BUSINESS ENTITIES I through XXX, inclusive.

## Defendants.

| CASE NO. 2:19-cv-1024-KJD-DJA

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY AND OTHER  
DEADLINES (Second Request)**

Pursuant to L.R. 26-4, Plaintiff by and through her counsel of record Carl R. Houston of the  
Ladah Law Firm and Defendant Costco Wholesale Corp., by and through its attorneys of record  
Michael A. Federico of the law office of Olson Cannon Gormley & Stoberski, hereby jointly move  
for this Court to approve an extension of the currently existing discovery cut-off date of June 11,  
2020 and all discovery deadlines. This is the second request to modify the Scheduling Order and  
Discovery Plan filed on July 15, 2019.

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1           **A. STATEMENT SPECIFYING THE DISCOVERY THAT HAS BEEN COMPLETED**

2           • Participation in the Fed. R. Civ. P. 26(f) conference;

3           • Both parties have made and continue to make their disclosures pursuant to Fed. R. Civ. P.

4           26.l(a)(l);

5           • Both Parties have propounded written discovery and responded thereto;

6           • Depositions of Plaintiff and Plaintiff's daughter has been conducted;

7           • Defendant disclosed a medical expert; and

8           • The Deposition of Defendant's 30(b)(6) Designee has been noticed/scheduled (to be

9           rescheduled after the Pandemic restrictions).

10           **B. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**

11           **COMPLETED**

12           • Expert Disclosures;

13           • Depositions of Plaintiff's Treating Physicians, if needed;

14           • Depositions of Plaintiff's Expert Witness(es) when disclosed;

15           • Depositions of Defendant's Expert Witness(es);

16           • The Deposition of Defendant's 30(b)(6) Designee (to be rescheduled after the Pandemic

17           restrictions); and

18           • Site inspection per CDC and State Guidelines.

19           **C. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**

20           **WITHIN THE DEADLINES CONTAINED IN THE DISCOVERY SCHEDULING**

21           **ORDER**

22           The videotaped deposition of Defendants' FRCP 30(b)(6) Designee is scheduled for April

23           17, 2020 and is being vacated primarily due to the COVID-19 Pandemic restrictions. It is important

24           to Plaintiff that this deposition be conducted in-person and videotaped. Plaintiff is also requesting a

25           site inspection per CDC and State Guidelines. Furthermore, Defendant is one of the corporations

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1 deemed an essential business during this pandemic working endlessly to provide for the community  
 2 and several of its employees in Las Vegas tested positive for COVID-19 making it difficult for  
 3 Defendant to provide a 30(b)(6) Designee at this time. Furthermore, depending on the outcome of  
 4 the deposition, Plaintiff may need to provide the deposition transcript to a potential expert witness.  
 5

6 The Parties are also in the process of potentially settling this matter. The Parties want to  
 7 save on costs and do not want to retain additional experts/conduct depositions if this matter does  
 8 settle. However, if unsuccessful, the Parties will need additional time to complete discovery.

9 Therefore the Parties are asking for additional time so that the parties can gather additional  
 10 discovery, disclose their respective expert witnesses, and conduct additional in-person depositions  
 11 to include the depositions of the Parties' expert witnesses once disclosed, after the COVID  
 12 restrictions are lifted or if no settlement is reached.  
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14 **D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

15 Based on the foregoing, the parties stipulate and agree a sixty (60) day extension of current  
 16 discovery deadlines is reasonable and necessary.

17 The parties respectfully submit a proposed amended discovery plan, as follows:

18 **1. Discovery Cut-Off Date:** The parties jointly propose that the discovery cut-off date be  
 19 extended sixty (60) days from its present deadline of June 11, 2020 to **August 10, 2020**.

20 **2. Amending the Pleadings and Adding Parties:** The parties do not seek to extend this  
 21 deadline, but reserve the right to bring an appropriate motion in the future in the unlikely event that  
 22 new information is found in discovery that creates the need to amend the pleadings.

23 **3. Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties jointly propose that the expert  
 24 disclosure deadline be extended sixty (60) days from its present deadline of April 13, 2020 to **June**  
 25 **12, 2020**, and that disclosure of rebuttal experts be extended sixty (60) days from its present  
 26 deadline of May 12, 2020 to **July 13, 2020**.



1           **4. Interim Status Report:** The parties jointly propose that the interim status report deadline be  
2 extended sixty (60) days from its present deadline of April 20, 2020 to **June 19, 2020**.

3           **5. Dispositive Motions:** In the event that the discovery period is extended from the discovery cut-  
4 off date set forth in the proposed Discovery Plan and Scheduling Order, the date for filing dispositive  
5 motions shall be extended sixty (60) days from its present deadline of July 13, 2020 to **September 11,**  
6 **2020.**

7           **6. Pretrial Order:** The date for filing the joint pretrial order shall not be later than **October**  
8 **12, 2020**, 30 days after the cut-off date for filing dispositive motions. In the event that dispositive  
9 motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after  
10 decision on the dispositive motions or until further order of the court. In the further event that the  
11 discovery period is extended from the discovery cut-off date set forth in the Discovery Plan and  
12 Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with the  
13 time periods set forth in this paragraph.

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1 Said request is not being made for the purpose of unduly delaying discovery or the trial of  
2 this matter. Accordingly, based on the foregoing, the Parties respectfully request this Court issue an  
3 Amended Discovery Order reflecting the above proposed discovery deadlines.

4 Dated 13<sup>th</sup> day of April 2020.

Dated 13<sup>th</sup> day of April 2020.

5 **LADAH LAW FIRM**

6 /s/ *Ramzy P. Lada, Esq.*

7 **RAMZY P. LADAH, ESQ.**

Nevada Bar No. 11405

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9 517 S. Third Street

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11 *Attorney for Plaintiff*

12 **OLSON CANNON GORMLEY & STOBERSKI**

13 /s/ *Michael A. Federico, Esq.*

14 **MICHAEL A. FEDERICO, ESQ.**

Nevada Bar No.: 5946

15 9950 West Cheyenne Avenue

16 Las Vegas, Nevada 89129

17 *Attorney for Defendant,*

18 *Costco Wholesome Corporation*

19 **IT IS SO ORDERED THAT:**

20 1. All parties shall complete discovery on or before: **August 10, 2020.**

21 2. All parties shall make initial expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2)

22 on or before: **June 12, 2020.**

23 3. All parties shall make rebuttal expert disclosures on or before: **July 13, 2020.**

24 4. All parties shall file dispositive motions on or before: **September 11, 2020.**

25 5. The Joint Pretrial Order shall be filed no later than 30 days after the date set for

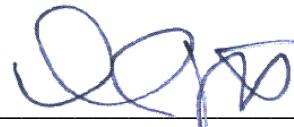
26 filing dispositive motions. In this action, the Joint Pretrial Order shall be filed on or before

27 **October 12, 2020.** In the event dispositive motions are filed, the date for filing the Joint Pretrial

28 Order shall be suspended until 30 days after the decision of the dispositive motions or further order

of the Court.

25 DATED: April 14, 2020



26  
27 Daniel J. Albrechts  
28 United States Magistrate Judge